

Regular Session, 2010

HOUSE BILL NO. 1215

BY REPRESENTATIVE BARROW

DISTRICTS/SPECIAL: Creates the Southern University Planning District in East Baton Rouge Parish

1 AN ACT

2 To enact R.S. 33:2740.70.1, relative to East Baton Rouge Parish; to create the Southern
3 University Planning District within the parish; to provide relative to the boundaries,
4 purpose, governance, and plans of the district; to provide relative to the powers and
5 duties of the district including the power to provide for tax increment financing; to
6 provide for the term of the district; and to provide for related matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article III, Section 13 of the Constitution of
9 Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:2740.70.1 is hereby enacted to read as follows:

12 §2740.70.1. Southern University Planning District

13 A. Creation. The Southern University Planning District, referred to in this
14 Section as the "district", is hereby created in the parish of East Baton Rouge. The
15 district shall be a political subdivision of the state created for the purpose of
16 developing the area included within the district in order to provide for substantial
17 economic activity and employment opportunities.

18 B. Boundaries. The district shall be comprised of the area included within
19 the following perimeter: Airline Highway, Blount Road, Plank Road, and the
20 Mississippi River.

1 C. Governance. (1) In order to provide for the orderly planning,
2 development, acquisition, construction, and effectuation of the services,
3 improvements, and facilities to be furnished by the district and to provide for the
4 representation in the affairs of the district of those persons and interests immediately
5 concerned with and affected by the purposes and development of the district, the
6 district shall be managed by a thirteen-member board of commissioners, referred to
7 in this Section as the "board". The board shall be comprised of members as follows:

8 (a) Four members shall be appointed by the president of Southern University
9 and A & M College. Each member shall be an employee of the university.

10 (b) Two members shall be appointed by the governing board of the
11 Scotlandville Business Association. Each member shall represent a business that is
12 a member of the business association.

13 (c) One member shall be appointed by the developer of the Howell Park
14 Development.

15 (d) One member shall be appointed by the Baton Rouge operations manager
16 for Exxon Mobil Corporation.

17 (e) One member shall be appointed by the mayor-president of the city of
18 Baton Rouge and the parish of East Baton Rouge.

19 (f) One member shall be appointed by the governing board of the Southern
20 Heights Homeowners Association who shall be a member of the association.

21 (g) One member shall be appointed by the governing board of the Banks
22 Homeowners Association who shall be a member of the homeowners association.

23 (h) One member shall be appointed by the Delmont Village Homeowners
24 Association who shall be a member of the homeowners association.

25 (i) One member shall be appointed by the governing board of Communities
26 Against Drugs and Violence.

27 (2)(a) Members shall serve four-year terms after initial terms as provided by
28 Subparagraph (b) of this Paragraph.

1 **(b) Three members shall serve an initial term of one year; three shall serve**
2 **two years; three shall serve three years; and four shall serve four years, as**
3 **determined by lot at the first meeting of the board.**

4 **(3) Any vacancy which occurs prior to the expiration of the term for which**
5 **a member of the board has been appointed shall be filled for the remainder of the**
6 **unexpired term in the same manner as the original appointment.**

7 **(4) The board shall elect from its members a chairman, a vice chairman, a**
8 **secretary-treasurer, and such other officers as it may deem necessary. The duties of**
9 **the officers shall be fixed by the bylaws adopted by the board.**

10 **(5) The minute books and archives of the district shall be maintained by the**
11 **secretary of the board. The monies, funds, and accounts of the district shall be in the**
12 **official custody of the board.**

13 **(6) The board shall adopt such rules and regulations as it deems necessary**
14 **or advisable for conducting its business affairs. It shall hold regular meetings as**
15 **shall be provided in the bylaws and may hold special meetings at such times and**
16 **places within the district as may be prescribed in the bylaws.**

17 **(7) A majority of the members of the board shall constitute a quorum for the**
18 **transaction of business. The board shall keep minutes of all meetings and shall make**
19 **them available through the secretary of the board.**

20 **(8) The members of the board shall serve without compensation. The board**
21 **may reimburse any member for expenses actually incurred in the performance of his**
22 **duties pursuant to this Section.**

23 **D. Powers and duties. (1) The district, through the board, shall have and**
24 **exercise all powers of a political subdivision necessary or convenient for the carrying**
25 **out of its objects and purposes, including but not limited to the following:**

26 **(a) To sue and to be sued.**

27 **(b) To adopt, use, and alter at will a corporate seal.**

28 **(c) To adopt bylaws and rules and regulations.**

1 (d) To receive by gift, grant, donation, or otherwise any sum of money,
2 property, aid, or assistance from the United States, the state of Louisiana, or any
3 political subdivision thereof, or any person, firm, or corporation.

4 (e) To enter into contracts, agreements, or cooperative endeavors with the
5 state and its political subdivisions or political corporations and with any public or
6 private association, corporation, business entity, or individual.

7 (f) To appoint officers, agents, and employees, prescribe their duties, and fix
8 their compensation.

9 (g) To acquire by purchase, gift, grant, donation, lease, or otherwise such
10 property as may be necessary or desirable for carrying out the objectives and
11 purposes of the board.

12 (h) To incur debt and to issue bonds, notes, certificates, and other evidences
13 of indebtedness. For this purpose, the district shall be deemed and considered to be
14 an issuer for purposes of R.S. 33:9037 and shall, to the extent not in conflict with this
15 Section, be subject to the provisions of R.S. 33:9037.

16 (2) The district shall not be deemed to be an instrumentality of the state for
17 purposes of Article X, Section 1(A) of the Constitution of Louisiana.

18 E. District plan. (1) The board shall prepare or cause to be prepared a plan
19 or plans, referred to in this Section as the "plan", specifying the public
20 improvements, facilities, and services proposed to be furnished, constructed, or
21 acquired for the district and shall conduct public hearings, publish notice with
22 respect thereto, and disseminate information as it, in the exercise of its sound
23 discretion, may deem to be appropriate or advisable and in the public interest.

24 (2) Any plan may specify and encompass any public services, capital
25 improvements, and facilities which the parish of East Baton Rouge is authorized to
26 undertake, furnish, or provide under the constitution and laws of the state of
27 Louisiana, and such specified public services, improvements, and facilities shall be
28 special and in addition to all services, improvements, and facilities which the parish

1 of East Baton Rouge is then furnishing or providing or may then or in the future be
2 obligated to furnish or provide within the district.

3 (3) Any plan shall include an estimate of the annual and total cost of
4 acquiring, constructing, or providing the services, improvements, or facilities set
5 forth therein.

6 (4) Any monies received by the district shall be used exclusively for the
7 development of the district plan.

8 (5) The board shall submit the plan to the governing authority of the parish
9 of East Baton Rouge. The parish governing authority shall review and consider the
10 plan, but the board need not receive approval of the parish governing authority prior
11 to implementing such plan.

12 F. Services and improvements. (1) All services to be furnished within the
13 district pursuant to any plan finally and conclusively adopted may be furnished,
14 supplied, and administered by the parish of East Baton Rouge through its regularly
15 constituted departments, agencies, boards, commissions, and instrumentalities. All
16 capital improvements and facilities to be acquired, constructed, or provided within
17 the district may likewise be so acquired, constructed, or provided by the parish of
18 East Baton Rouge through its regularly constituted departments, agencies, boards,
19 commissions, and instrumentalities, it being the intention of this Paragraph to avoid
20 the duplication of administrative and management efforts and expense in the
21 implementation of any plan adopted for the benefit of the district.

22 (2) In order to provide services or provide, construct, or acquire capital
23 improvements or facilities, the board may enter into intergovernmental local service
24 contracts with the parish of East Baton Rouge.

25 G. Tax increment financing. (1) For purposes of implementing tax
26 increment financing as provided for in this Subsection, the board shall have all
27 authorities provided for in R.S. 33:9038.34 to implement sales tax increment
28 financing. However, any tax or portion of a tax which has been previously dedicated
29 to another purpose according to a proposition approved by voters shall be used as

1 such a tax increment only if approved by a majority of the voters of the taxing
2 authority levying the tax voting on the proposition in an election held for such
3 purpose.

4 (2) The board shall designate the boundaries of a sales tax area and shall
5 designate the local sales taxes, which are to be used in determining the sales tax
6 increments, including state sales tax increments, and the initial annual baseline
7 collection rate for the sales tax area, which shall be the amount of such designated
8 sales taxes collected in the sales tax area in the fiscal year of the district most
9 recently completed prior to the establishment of the sales tax area. In addition, a
10 monthly baseline collection rate shall be determined by dividing the initial annual
11 baseline collection rate by twelve. The initial annual baseline collection rate and the
12 monthly baseline collection rate shall be certified by the chief financial officer or
13 equivalent of the district. The certification shall also be published one time in the
14 official journal of the parish of East Baton Rouge. If the amounts of the initial
15 annual baseline collection rate and the monthly baseline collection rate are not
16 contested within thirty days after such publication, then such amounts shall be
17 conclusively presumed to be valid, and no court shall have any jurisdiction to alter
18 or invalidate the designation of the amount of either the initial annual baseline
19 collection rate or the monthly baseline collection rate.

20 H. Term. The district shall dissolve and cease to exist one year after the date
21 all bonds, notes, and other evidences of indebtedness of the district, including
22 refunding bonds, are paid in full as to both principal and interest; however, under no
23 event shall the district have an existence of less than three years or more than thirty
24 years.

25 I. Liberal construction. This Section, being necessary for the welfare of the
26 town and its residents, shall be liberally construed to effect the purposes thereof.

27 Section 2. This Act shall become effective upon signature by the governor or, if not
28 signed by the governor, upon expiration of the time for bills to become law without signature
29 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Barrow

HB No. 1215

Abstract: Creates the Southern University Planning District in East Baton Rouge Parish and provides relative to the governance, powers, duties, plans, boundaries, and purpose of the district. Provides for district funding, including the use of tax increment financing.

Proposed law creates the Southern University Planning District as a political subdivision in East Baton Rouge Parish for the purpose of developing the area included within the district in order to provide for substantial economic activity and employment opportunities. Provides for district boundaries.

Proposed law provides that the district shall be managed by a 13-member board of commissioners comprised of members as follows:

- (1) Four members appointed by the president of Southern University and A & M College. Each member shall be an employee of the university.
- (2) Two members appointed by the governing board of the Scotlandville Business Association. Each member shall represent a business that is a member of the business association.
- (3) One member appointed by the developer of the Howell Park Development.
- (4) One member appointed by the Baton Rouge operations manager for Exxon Mobil Corporation.
- (5) One member appointed by the mayor-president of the city of Baton Rouge and the parish of East Baton Rouge.
- (6) One member appointed by the governing board of the Southern Heights Homeowners Association, one by the governing board of the Banks Homeowners Association, and one by the governing board of the Delmont Village Homeowners Association. Each member appointed by a homeowners association shall be a member of the appointing homeowners association.
- (7) One member appointed by the governing board of Communities Against Drugs and Violence.

Proposed law provides that members serve four-year staggered terms. Requires members to serve without compensation but authorizes the board to reimburse any member for expenses actually incurred in the performance of district business.

Proposed law provides that the district, through the board, shall have and exercise all powers of a political subdivision necessary or convenient for the carrying out of its objects and purposes, including but not limited to the following:

- (1) To sue and to be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To adopt bylaws and rules and regulations.
- (4) To enter into contracts, agreements, or cooperative endeavors with the state and its political subdivisions or political corporations and with any public or private association, corporation, business entity, or individual.
- (5) To acquire by purchase, gift, grant, donation, lease, or otherwise such property as may be necessary or desirable for carrying out the objectives and purposes of the board.
- (6) To incur debt and to issue bonds, notes, certificates, and other evidences of indebtedness. For this purpose, the district shall be deemed and considered to be an issuer for purposes of present law (R.S. 33:9037) and shall, to the extent not in conflict with proposed law, be subject to the provisions of present law (R.S. 33:9037).

Proposed law provides that the district shall not be deemed to be an instrumentality of the state for purposes of the state civil service provisions of the state constitution.

Proposed law requires the board to prepare or cause to be prepared a plan(s), specifying the public improvements, facilities, and services proposed to be furnished, constructed, or acquired for the district and to conduct public hearings, publish notice with respect thereto, and disseminate information as it, in the exercise of its sound discretion, may deem to be appropriate or advisable and in the public interest.

Proposed law provides that any plan may specify and encompass any public services, capital improvements, and facilities which East Baton Rouge Parish is authorized to undertake, furnish, or provide under the constitution and laws of the state of Louisiana. Provides that such specified public services, improvements, and facilities shall be special and in addition to all services, improvements, and facilities which the parish is then furnishing or providing or may then or in the future be obligated to furnish or provide within the district.

Proposed law requires any plan to include an estimate of the annual and total cost of acquiring, constructing, or providing the services, improvements, or facilities set forth therein. Requires that any monies received by the district shall be used exclusively for the development of the district plan. Requires the board to submit the plan to the parish governing authority and requires the parish governing authority to review and consider the plan. Provides that the board need not receive approval of the parish governing authority prior to implementing such plan.

Proposed law provides that all services to be furnished within the district pursuant to any plan finally and conclusively adopted may be furnished, supplied, and administered by the parish through its regularly constituted departments, agencies, boards, commissions, and instrumentalities. Provides that all capital improvements and facilities to be acquired, constructed, or provided within the district may likewise be so acquired, constructed, or provided by the parish through its regularly constituted departments, agencies, boards, commissions, and instrumentalities to avoid the duplication of administrative and management efforts and expense in the implementation of any plan adopted for the benefit of the district. Authorizes the board to enter into intergovernmental local service contracts with the parish in order to provide services or provide, construct, or acquire capital improvements or facilities.

Proposed law provides that the board shall have all authorities provided for in present law (R.S. 33:9038.34) to implement sales tax increment financing. Provides however, any tax

or portion of a tax which has been previously dedicated to another purpose according to a proposition approved by voters shall be used as such a tax increment only if approved by a majority of the voters of the taxing authority levying the tax voting on the proposition in an election held for such purpose.

Proposed law requires the board to designate the boundaries of a sales tax area and to designate the local sales taxes, which are to be used in determining the sales tax increments and the initial annual baseline collection rate and monthly baseline collection rate for the sales tax area, which shall be the amount of such designated sales taxes collected in the sales tax area in the fiscal year of the district most recently completed prior to the establishment of the sales tax area.

Proposed law provides that the initial annual baseline collection rate and the monthly baseline collection rate shall be certified by the chief financial officer or equivalent of the district. Requires that the certification also be published one time in the official journal of East Baton Rouge Parish.

Proposed law provides that if the amounts of the initial annual baseline collection rate and the monthly baseline collection rate are not contested within 30 days after publication, then such amounts shall be conclusively presumed to be valid, and no court shall have any jurisdiction to alter or invalidate the designation of the amount of either the initial annual baseline collection rate or the monthly baseline collection rate.

Proposed law provides that the district shall dissolve and cease to exist one year after the date all bonds, notes, and other evidences of indebtedness of the district are paid. Provides however, that under no event shall the district have an existence of less than three years or more than 30 years.

Proposed law provides that proposed law shall be liberally construed to effect the purposes thereof.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:2740.70.1.)